

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

January 5, 2004

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers James Campbell and Paul Lough
C.I. File No. 02-S-263; ELO No. 1771

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers James Campbell and Paul Lough. The claim is in the amount of \$1,120.52 including \$9.52 in disbursements for 10.10 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the police officers on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

2276

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
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SUSAN E. LAPPEN
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GREGG C. HAGOPIAN
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MELANIE R. SWANK
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DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 1, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

CITY OF MILWAUKEE
RECEIVED
CITY ATTORNEY
AUG - 5 PM 3:50

**RE: MPD Criminal Investigation of POs James Campbell and Paul Lough
Allegations Regarding Mr. Tyrus King
Date of Incident: December 8, 2001
Location of Incident: 18th and Highland
EC No.: 1771**

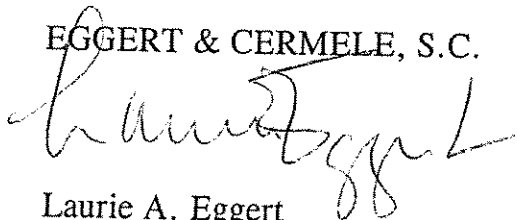
Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved the pursuit of a fleeing suspect. Charges will not be issued against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

LAE/ldl
CAMPBELL LOUGH

115104
O.K.
JAS
Letter 2276

EGGERT & CERMELE, S.C.*Attorneys at Law*Laurie A. Eggert
Jonathan Cermele1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 1, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202RE: MPD Criminal Investigation re: Tyrus King
Regarding: POs James Campbell and Paul Lough
Date of Incident: December 8, 2001
Location of Incident: 18th and Highland

Professional services

	<u>Hours</u>
12/19/01 Telephone call from Campbell; open file.	0.50
12/20/01 Telephone calls from and to client (2); memo to file.	1.20
12/28/01 Preparation for and appearance at PI-21 statements; travel; memo to file; conference with client.	1.50
01/04/02 Telephone call from Campbell; memo to file.	0.20
01/10/02 Telephone call from Ardis; memo to file; preparation for and appearance at Academy for Campbell PI-21 statements; travel.	2.60
01/11/02 Memo to file.	0.20
01/16/02 Preparation for and appearance at PI-21 for Ardis and Strache; memo to file; conference with clients; travel.	2.80
04/11/02 Review of file; telephone call to clients.	0.40
04/12/02 Telephone call from client; memo to file.	0.20

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	<u>Amount</u>
07/22/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
For professional services rendered	10.10	\$1,111.00
Additional charges:		
07/22/02 MPD Open Records request		9.52
Total costs		<u>\$9.52</u>
Total amount of this bill		<u>\$1,120.52</u>
Balance due		<u><u>\$1,120.52</u></u>

(Rate: \$110.00 per hour)

REASONS FOR DELETION OF PORTIONS OF THIS REPORT

- #6 Please be advised that this portion of the report is denied, in consideration that a child/juvenile has/have been apprehended regarding this offense and has been referred to the Milwaukee County Children's Court Center.

Further be advised that pursuant to Wisconsin Statutes 48.396, records of children shall not be open to inspection or their contents disclosed except by order of court. Accordingly, we are unable to disclose any records regarding the arrest of children in the absence of a court order.

In addition, any request for child/juvenile records pursuant to 938.396 (1), (1b), (1d), (1g), (1m), (1r), or (1t) is also denied. Be advised, a requestor denied access to records pursuant to these subsections "... may petition the court to order the disclosure of the records governed by the applicable subsection." At this time, "...the court shall balance (various) private and societal interests..." regarding disclosure or non-disclosure. [See s.s. 938.396 (5)].

Further be advised that in the event that all or part of your request is denied, that this determination is subject to review by mandamus, Wisconsin Statutes 19.37(1), or upon application to the District Attorney or Attorney General.

(3/95) CLEARANCE REPORT WAUKEE POLICE DEPARTMENT				PAGE <u>1</u> OF <u>3</u>		INCIDENT # 01-346-3002			
-----------------------------------------------------	--	--	--	---------------------------	--	------------------------	--	--	--

INCIDENT INFORMATION	INCIDENT Physical Abuse of a child	DATE OF INCIDENT 12/08/2001	DATE OF REPORT 02/07/2002	REP CON#
	VICTIM #18	LOCATION OF INCIDENT (ADDRESS) #18		DIST.
	VICTIM'S ADDRESS #18	REPORTED BY #18		

PROPERTY CODES - LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #1" COLUMN -					
01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06-CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST - CHECK ALL APPLICABLE ITEMS							
1 2	1 2	1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> SIMULATED WEAPON	<input type="checkbox"/> SINGLE BBL
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT	<input type="checkbox"/> UNKNOWN
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWED OFF	<input type="checkbox"/> SHORT/SNUP 93L		
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> PUMP ACTION			
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE					

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC

ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1	

RESIDENT OF COUNTY	Y N	GANG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS

CHARGES	POSSESSED SUSPECTED Y N DRUGS AT TIME OF ARREST O O

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC

ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1	

RESIDENT OF COUNTY	Y N	GANG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS

CHARGES	POSSESSED SUSPECTED Y N DRUGS AT TIME OF ARREST O O

VEH USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER Detective Mercedes COWAN	PAYROLL # 58393	LOC # 04	ASSISTING OFFICER	SUPERVISOR Raymond E. Richards 58144	TOTAL ARRESTS -0-
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ARANCE REPORT

Incident #01-346-3002, P.A.O.A.C. (KING)

PAGE 2

INVESTIGATIVE NARRATIVE:

This report is written and submitted by Detective Mercedes COWAN, Criminal Investigation Unit/Internal Affairs Division, early shift.

On Tuesday, December 11, 2001, #18 appeared at the Internal Affairs Division with a complaint against City of Milwaukee Police Officers, alleging they struck her 16-year-old son prior to his arrest, causing pain and injury. #3 also alleged that although an officer contacted her about #6 being arrested, the officer refused to answer her questions and never mentioned he had been injured during the arrest and required medical treatment.

Arrests reports indicate that #2 was the driver of a stolen auto. When officer's approached the auto, #6 refused to yield to police vehicle, pursuing him with red lights and siren, then collided into a guard rail at the City of Milwaukee Housing Units parking lot, 1806 W. Juneau Avenue (MPD Accident # 7194073). Following the pursuit, #6 fled the scene on foot, but was apprehended following a short foot chase. #6

#6 who was immediately arrested at the scene, accompanied #6 in the auto. The auto, a 1989, Blue/Silver GMC Jimmy bearing WI RYD-238, was reported stolen on 12/07/2001, (MPD Incident # 01-342-1014).

#6 #6 The reviewing District Attorney later dismissed the #6 #6

Squad 386 Evidence Technician HUNDT took photos of the accident on the scene. However, these photos depict no damage to the interior section of the auto that may be consistent with the injuries incurred by Tyrus. There appears to be no damage to the windshield or windows of the auto.

Interviews were conducted of all the officers on the scene at the time of arrest. No incriminating information was revealed within these interviews. Tyrus related he observed a uniformed W/M officer tackle him prior to the arrest and at least 5 additional W/M uniformed officers assisting with the arrest. However, he also related he would not be able to identify the person or persons who struck him and caused the injuries because he did not get a good look at them. Based on the information obtained during this investigation, we are unable to proceed with Criminal Battery charges against any of the officers involved in this matter.

CLEARANCE REPORT
Incident #01-346-3002, P.A.O.A.C. #18
PAGE 3

On Wednesday, February 6, 2002, 9:45PM, I spoke with #18. She was advised that due to these findings, the matter would be resolved Unfounded, but that it would be referred to the Personnel Investigation Unit of the Internal Affairs Division for review of possible violations of Department Rules and Procedures. #18 indicated she understood and was pleased the officers had been made aware of the investigation, with hopes that they would not harm others again. She also related that her son had been directed to the Lincoln Hills Center for Boys for a period of one (1) year and he appeared to be doing better. She stated he has been receiving medical care since the injuries, "because of the severe headaches he gets and the seizure like movements". Ms. WRIGHT had no additional information or questions at this time.

This matter is resolved UNFOUNDED, concluding the criminal investigation.

All photos related to this matter have been placed on MPD evidence Inventory # 0103273.

MC/mc (013463002.Grn)

REVIEWING D.A.	DET. ASSIGNED DET. COWAN	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE 02/06/2002	VICTIM NOTIFIED BY Det. COWAN
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE CRIME	<input type="radio"/> A. SUSP ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. JAMES CAMPBELL
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney LAURIE EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on DECEMBER 8, 2001
- 2) A citizen's complaint made by TYRUS KING
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation
in this matter?

YES ☒ NO ☐

Your signature: _____

Print your name: _____

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

St. Settingsgaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. PAUL LOUGH
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney LAURIE EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on DECEMBER 8, 2001
- 2) A citizen's complaint made by TYRUS KING
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: _____

Paul Lough

Print your name: _____

LOUGH, PAUL

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

St. Settingsgaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs